

University of Maine School of Law

University of Maine School of Law Digital Commons

Maine Law Magazine

Law School Publications

Fall 1993

Alumni Quarterly - Issue No. 49

University of Maine School of Law

Follow this and additional works at: <https://digitalcommons.mainerlaw.maine.edu/maine-law-magazine>



Part of the [Law Commons](#)

This Book is brought to you for free and open access by the Law School Publications at University of Maine School of Law Digital Commons. It has been accepted for inclusion in Maine Law Magazine by an authorized administrator of University of Maine School of Law Digital Commons. For more information, please contact mdecrow@maine.edu.

SCHOOL OF LAW

University of Maine

Second Coffin Lecture to Feature Arthur M. Schlesinger, jr. "Multiculturalism and the Bill of Rights"

Historian, writer, teacher and Presidential advisor Arthur M. Schlesinger, jr. will speak on "Multiculturalism and the Bill of Rights" at the second Frank M. Coffin Lecture on Law and Public Service on October 7.

Perhaps the most widely read American historian of his generation, Schlesinger is the author of more than 20 volumes on American history and politics. He is the recipient of two Pulitzer Prizes, the first for History in 1946, for *The Age of Jackson*, and the second for Biography in 1966 for *A Thousand Days*. His most recent book, published in 1991, is *The Disuniting of America*, in which the subject of multiculturalism is explored.

A tenured professor at Harvard University before his 30th birthday, Schlesinger taught history there from 1946-60. He has been Albert Schweitzer professor of humanities at the City University of New York for 27 years.

From 1961 to 1963, Schlesinger served as special assistant to President Kennedy. He worked on the Presidential campaigns of Adlai Stevenson, Robert Kennedy and Ted Kennedy. He was a founder of Americans for Democratic Action.

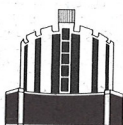
"Schlesinger's enormous talents, accomplishments and public service contributions make him an ideal speaker for the Coffin Lectureship," said Dean Donald Zillman. The Lectureship, established to honor the distinguished career of Judge Frank M. Coffin, brings to the Law School and the community leaders who have made significant contributions in law and public service. The Lectureship was initiated last year with a paper written by Joseph L. Rauh, Jr., prominent attorney and civil liberties leader, delivered after his death by his wife and son.

The Lecture will be held on Thursday, October 7 at the Portland High School Auditorium at 7:00 p.m. ■



Arthur M. Schlesinger, jr.

Alumni



Quarterly

Number 49

Fall 1993

Portland, Maine

Class of 1968 Holds Reunion

Dennis Williams came from Atlanta; Clint Stuntebeck from Philadelphia; Paula Sawyer from New York City; David Smith, Joe Debonis and John Maley from Vermont; Stearns Bryant and Pat Maloney from Connecticut; Jim Dunleavy from Presque Isle, along with others from a shorter distance from Portland. In all 18 of the 23 members of the Class of 1968 came together on June 19 in Portland for the Class of 1968 25th Reunion. A new Law School tradition was inaugurated in fine fashion.

Many alums and their spouses arrived Friday night and had dinner with friends. In many cases, the spouses knew each other and knew other members of the class. Several people played golf Saturday.

The "formal" reunion began Saturday afternoon with a tour of the Law School and new Library Addition, courtesy of Law Librarian Bill Wells. While there, the Class of '68 had a chance to view the now drab room which will be transformed into a first-class conference room, the "Class of 1968 Conference Room." The Class pledged over \$23,000 as their 25th Reunion Gift.

The group also toured 68 High Street, the building in which they had attended law school and taken the bar exam. Cocktails followed at Don and Linda Zillman's house, where members of the faculty joined the Class of 1968.

During dinner at Channel Crossing, each person from the Class of 1968 spoke briefly about what he or she had done since law school. (The "she" was Paula Sawyer, the first female to graduate from the Law School after it became the University of Maine School of Law in 1962).

Sunday morning many from the class joined Dean Godfrey for brunch at the Regency, where the out-of-town members of the class stayed. The Class of 1968 has created a new "tradition." The Class of 1969 is already making plans for its 25th Reunion next June. ■



The Class of 1968 on the steps of 68 High Street, where they attended law school. Front row: Pat Maloney, Paula Sawyer, Joe Ezhaya, Dennis Williams, Clint Stuntebeck, Hon. Roland Cole; Second row: Hon. Jim Dunleavy, David Smith, Paul Hirsch, David Gregory, Bill Julavits, Peter Weatherbee, John Maley, Stearns Bryant, Duncan McEachern, Joe Debonis, Dan Mooers.



The Class of 1968 in 1968 on the steps of 68 High Street, front row: Pat Maloney, Paula Sawyer, Wayne Crandall, Joe Ezhaya, Jon Luce, Ken Thompson (deceased), Dennis Williams, Roland Cole; second row: Stu Snyder, Jim Dunleavy, Paul Hirsch, Bill Julavits, Stearns Bryant, Duncan McEachern, Dan Mooers, Clint Stuntebeck; third row: David Smith, David Gregory, Mike Sheehan (deceased), Basil Kellis, Peter Weatherbee, Dave Morse, John Maley, and Joe Debonis.

Class of 1968 Pledges \$23,000 as 25th Reunion Gift

When the Class of 1968 decided it wanted to hold a 25th Reunion, the idea of presenting the School with a 25th Reunion Gift was an integral part of their plans. Stearns Bryant and Paul Hirsch initiated the idea and gathered with Dave Morse, David Smith and Duncan McEachern last fall to discuss various ideas for a gift.

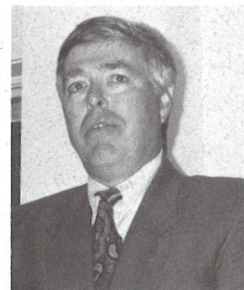
The idea of a new conference room was most appealing and a goal was set. Almost every member of the class contributed to the gift. The \$23,000 raised will allow for a total refurbishing of Room 429, from new ceiling to new wall covering to new furniture.

The Class of 1968 has made a substantial gift to the School. It has also set an example for classes that follow. ■



Class of '68 views the future Class of 1968 conference room as it looks now: Director of Law Library Bill Wells with David Gregory, Ruth Bryant, Pat Maloney, Pat and Duncan McEachern, Paul Hirsch

At the dinner:



Wayne Crandell



Stearns Bryant



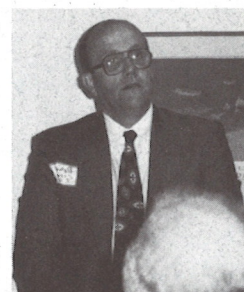
Paul Hirsch



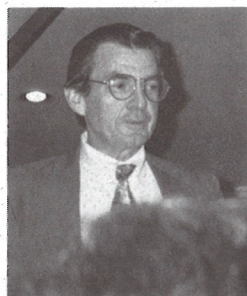
Clint Stuntebeck



David Gregory



"Cozy" Cole



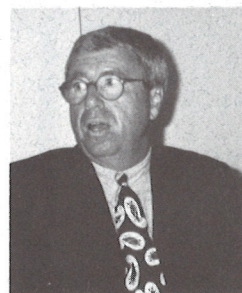
Duncan McEachern



Pete Weatherbee



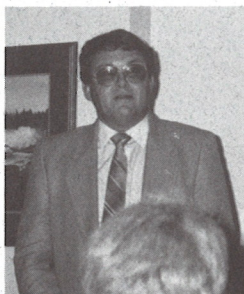
Joe Debonis



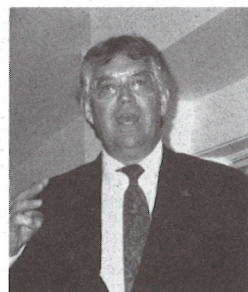
Bill Julavits



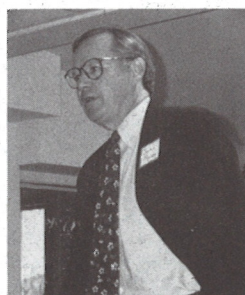
Dennis Williams



Pat Maloney



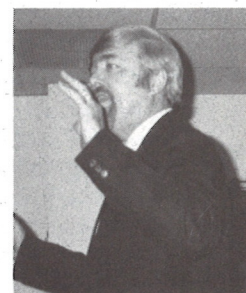
David Smith



John Maley

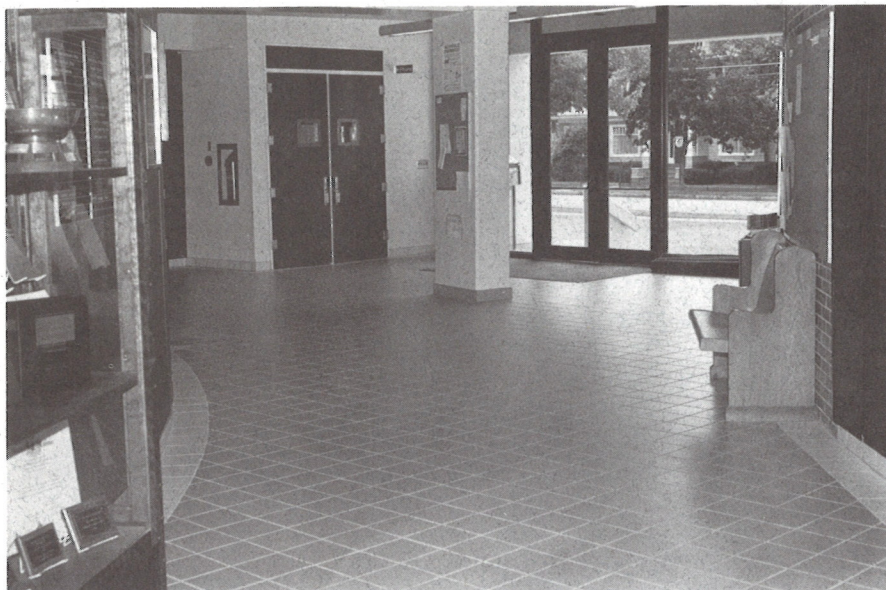


Paula Sawyer



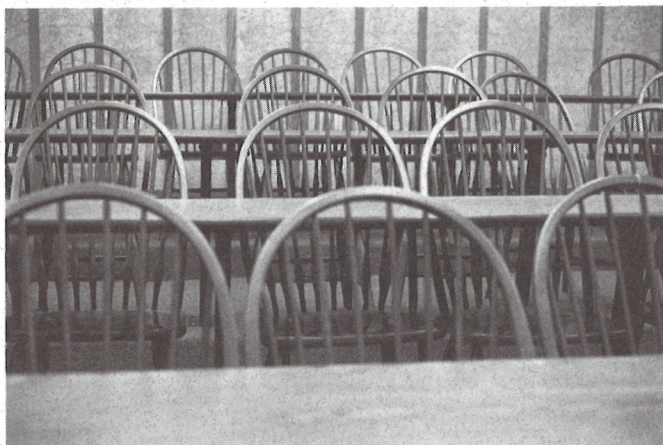
Jim Dunleavy

Look at



View of lobby in direction of First-year Classroom

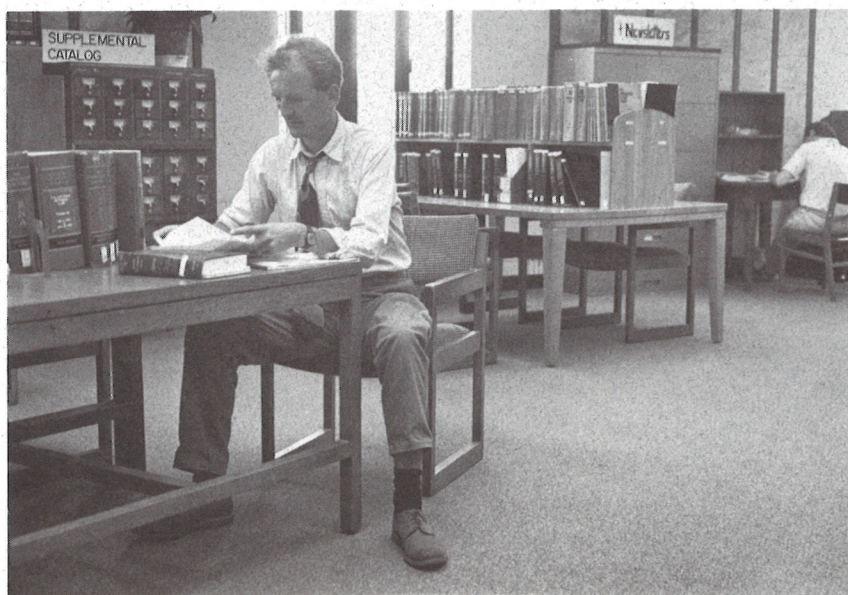
The Law School has a new look. A whirlwind of activity this summer has brought major changes to the Law School interior. New tile graces both front and back lobbies. Worn carpeting has been replaced in the Library, Faculty offices, classrooms and hallways on all four floors of the building. New chairs await students in both the Moot and First Year classrooms.



New chairs change comfort level and appearance in Moot Courtroom and First- year Classroom.



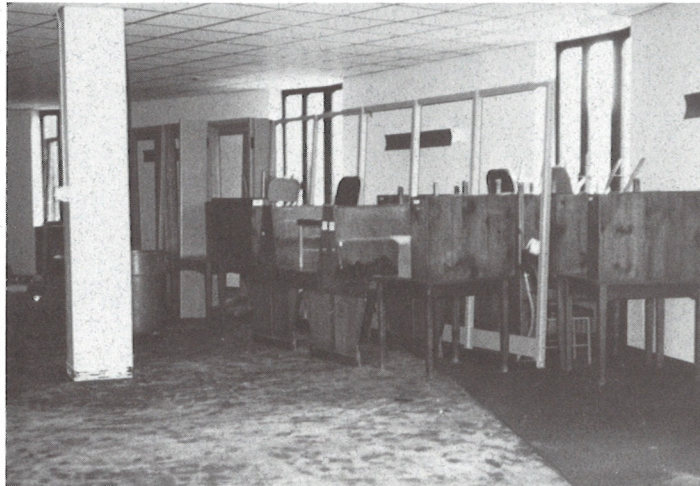
New carpet in Library stacks along with new lighting makes for a very different look and feeling.



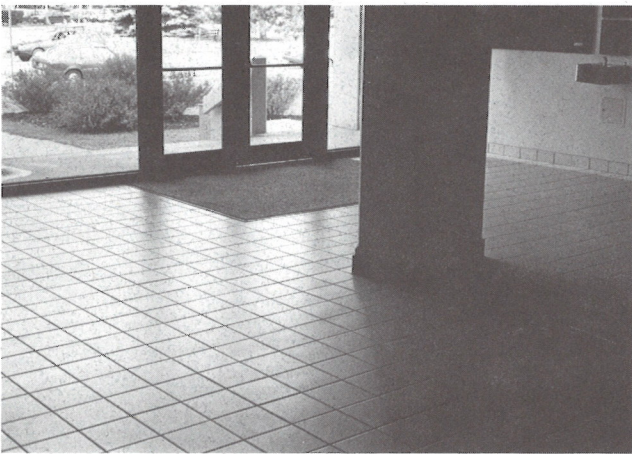
New carpeting has been put down throughout entire Library.

Us Now!

The transformation of the Law School building is a great example of private-public cooperation. The recarpeting project originated with contributions from anonymous donors and Mickey Marden, President of Marden's Discount Stores; the University of Southern Maine paid for all of the installation costs of both carpet and tile and the Law School's budget paid for the chairs. ■



Library area stripped of old carpet



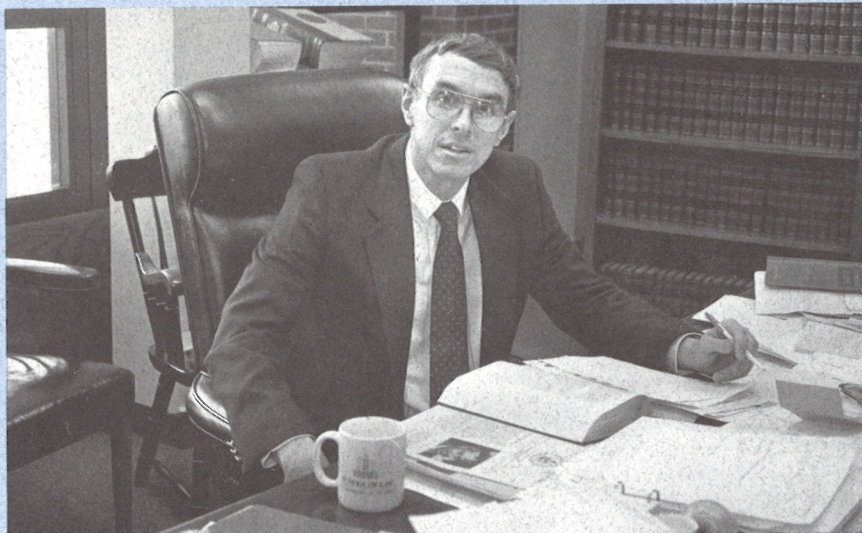
Lobby entrance, newly tiled



Last Step: Students unpack and reshelve books after last piece of new carpet is in place.



A Reception was held September 13 to toast the "new look" at the Law School and to thank Harold Marden of Marden's Discount Stores, as well as anonymous donors, for gifts that helped make the renovations possible. Dean Zillman and President Pattenauide tell Marden what a difference the changes make.



Dean Donald N. Zillman

Dean's Column

We start the Fall Semester on Wednesday, August 25. Old and new students will attend classes in surroundings that look quite different from those in May. The front lobby carpet has been replaced by attractive white quarry tile. Worn-out carpeting throughout the four floors has been replaced. Attractive new classroom wooden chairs have replaced the metal and plastic chairs that previously provided seating. Our D plus facility has moved to the B range at least thanks to support from private donors which encouraged the University to advance our projects on their priority list. It is a splendid example of private and public cooperation. Come by for a visit.

By second semester another major improvement in our surroundings will have taken place, thanks to the generosity of the Class of 1968. Their reunion was a happy event, a gathering of a wonderful group of people genuinely glad to see each other and renew friendships. Their \$23,000 25th Reunion Gift will transform a nondescript room into a splendid conference and seminar room.

A second event of summer deserves greater attention. I suspect it will be the text of my talks to alumni and friends for the next several years. The University Trustees raised Law School tuition approximately \$1,000 per resident student and \$2,000 per non-resident student. On average, this means \$7,000 yearly tuition for residents and \$14,000 for non-residents. Lest we forget, tuition for residents in the late 1960s was \$400 per year; in the mid-1980s it was around \$3,000.

Of equal significance, the Trustees dictated a formula that provides that the tuition revenues from the School (in-state and out-of-state) shall provide 100% of the direct costs of the J.D. program. This modifies a prior Trustees' formula that required residents to pay 50% and non-residents 100% of the direct costs of their J.D. programs. The goal is to reach that target within three years. Quite possibly, we may reach it before then.

This formula (currently unique within the University of Maine System) makes us an institution with both private and public characteristics—a status we had been approaching over the last decade. What are some of the implications of this new rela-

tionship? What are some of the questions that the new status raises? I will appreciate your thoughts as we reassess our position.

1. Our tuition is no longer cheap. Non-resident tuition is competitive with other private schools in New England. Law tuition for Maine residents is well above tuition in any other graduate unit of the University of Maine System. While it is cheaper than our private school competitors, it is more expensive than *non-resident* tuition at many well-respected public law schools. We must attract students on quality far more than price.

2. We have to operate as a cost-conscious business. Our tuition revenue governs what we can spend on our academic programs. This correlation of revenue and expenditure is made especially difficult because of the fixed nature of most of our expenses. Tenure and union agreements define most of our personnel costs. Library acquisition costs are often mandated and beyond our negotiating power.

3. The new role forces a rethinking of our relationship with the State of Maine. Do preferences for resident applicants make sense for a "private" school? What amount of public service without compensation can be expected from a "private" school? What are the obligations of a "private" school to the "non-private" (those not funding their academic programs from tuition revenues) parts of the University System?

4. The role of our alumni and friends becomes ever more important. Annual Fund Chair Lib Butler will shortly be providing further details in our Annual Fund Campaign. We can be a very good law school with the generosity of our friends. Without it, we must run the risk of cutting essential services. ■

Save November 6 for Annual Dinner

Cumberland Legal Aid Clinic Receives Major Federal Grant

The United States Department of Education has awarded the University of Maine School of Law a major grant in support of an Integrated Clinical Education Program [ICEP]. The ICEP is a comprehensive initiative that redefines clinical programs at the Law School and offers new clinical opportunities with strong academic support. The ICEP accomplishes direct integration of clinical and traditional components in the curriculum through three six-credit practica.



Professor Michael Mullane

The Criminal Law Practicum, Family Law Practicum, and Estate Planning Practicum, each link a two-credit seminar component with a four-credit clinical component. The Estate Planning Practicum is unique; it will be the Law School's first live client clinic focussing on non-litigation aspects of legal practice. Students in this practicum will provide wills, living wills, durable powers of attorney, and negotiate creditor forbearance for persons with AIDS and other terminally ill people.

The ICEP also adds two new six-credit clinics to the curriculum. One, the six-credit General Practice Clinic, will be offered both semesters and during the summer session. The new Rural Access Clinic will be offered during the summer session.

The Rural Access Clinic represents a substantial commitment of the Law School to direct support of the Maine Bar Foundation Rural Access Project. Students and the supervising faculty members will work closely with Pine Tree Legal Assistance and Legal Services for the Elderly in providing free legal services to Oxford and Andros-

coggin counties. All clinical courses will continue to be operated through the Cumberland Legal Aid Clinic.

The ICEP also adds a Domestic Violence Project involving all students enrolled in the Criminal and Family Law Practica and both clinics. The existing Forensic Psychiatry Project has also been expanded to involve all students enrolled in a clinical course during the Fall and Spring semesters.

The grant is for one year and is renewable twice, subject to Congress' continued appropriation of funds for the Title IX grants supporting Clinical Legal Education. This year's grant is for just over \$240,000. The grant calls for awards of over \$140,000 for each of the following two years.

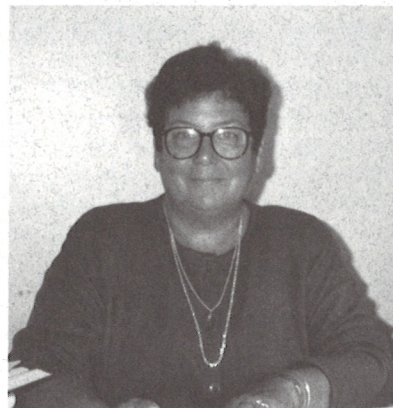
Implementation of the ICEP requires an increase in the faculty resources devoted to clinical programs. Professor Judy Potter will teach both components of the Criminal Law Practicum offered this fall. Professor Michael Mullane will continue to serve as Director of the Cumberland Legal Aid Clinic and will be responsible for supervising the Domestic Violence Project.



Cumberland Legal Aid Clinic

Although given very short notice of the award before fall semester began, the School was fortunate to attract a number of very qualified applicants to teach and supervise the General Practice Clinic. Dean Zillman announced the appointment of Mary Tousignant as Visiting Associate Professor of Law in early August. In addition to supervising the General Practice Clinic, Professor Tousignant will be responsible for running the Forensic Psychiatry Program.

During September and October the Law School will begin its search for



Mary Tousignant '82, Visiting Associate Professor of Law

faculty to teach and supervise in the Estate Planning Practicum, the Family Law Practicum, and the Rural Access Clinic. Anyone wishing information about these positions should contact Professor Mullane at the Cumberland Legal Aid Clinic. ■



Professor Khoury gets instructions and coaching from Bill Schneider '93 at The Federalist Society's First Annual Tribute to the Second Amendment and Skeet Shoot, held on May 22 at Bill and Barb Schneider's farm in Durham, Maine. The group raised over \$200 in pledges at the MAPIL Auction last April where it auctioned invitations to the shoot.

Ready, Willing and Able — The Class of 1996 Arrives

They were selected from over 950 applicants. They come from around the globe, as far away as Hong Kong, Kobe, Shanghai and Europe and they represent 19 states. They range in age from 21 to 49. Over half of them are women. They are the Class of '96.

Ninety-five students arrived at the Law School on August 25 for Orientation Day. Dean Donald Zillman welcomed the new 1Ls, and then introduced them to themselves.

As with most classes, they bring to the Law School varied experiences and backgrounds. They have worked as paralegals, legislative staffers, VISTA volunteers, asbestos removal experts, disc jockeys, military officers, store owners and managers, secretaries; one is a chef, another a minister.

Twenty-three of the new students are graduates of the University of Maine System. Colleges most heavily represented by the Class of 1996 are the University of Maine with thirteen, the University of Southern Maine with nine and Bates College with eight graduates. Six members of the class graduated from Bowdoin College, three from Colby College, and three from the University of New Hampshire.

Fifty-three undergraduate institutions are represented including Vassar, Duke, Harvard, Yale, Trinity, Oberlin, Stanford, Berkeley, Mankato State, Notre Dame, Cornell, Montana, Michigan, Wellesley, Tufts, Johns Hopkins, Dartmouth, Wisconsin and Virginia.

After introductions to the Law School's faculty and staff by Dean Zillman, students were treated by Pro-

fessors Mel Zarr, Tom Ward and Jim Friedman to their first taste of "life as a law student." During three mini-sessions the class analyzed its first appellate decision. The case, *Fournier v. Rochambeau Club*, involved a claim of negligence against the Club for not properly instructing one of its employees on the technicalities of separating frozen hamburger patties with a knife.

During the afternoon, students broke up into small groups, led by their faculty advisors and writing instructors, and continued discussion of the case and other legal writings on education. Students regrouped to hear a panel of alumni discuss the case.

Arlyn Weeks '81, a member of the Alumni Association Board, served as moderator. "The alumni panel," she said, "will look at the case from a practical viewpoint. Our presence here will also prove to you that people do survive the three years you are facing and live to enjoy it."

Keith Powers '73 talked about why this case did not settle. He explained that the defense counsel felt there was little likelihood the case would be lost. It was viewed as a "slam-dunk, no liability case," he said. Defense offered no money to settle. He explained that in making such decisions, besides looking at the facts of the case, lawyers consider who opposing counsel is, credibility of witnesses, and the costs of defense. Ultimately, he pointed out, the insurance company makes the decision.

Mary Mitchell Friedman '82 discussed the pros and cons of deciding

whether or not to waive a jury trial. "Do you go with a seasoned pro," she asked, "or with people who probably don't know much about legal issues but will rely on common sense?" Among factors lawyers will consider, she said, are the time and expense of a jury trial, the greater predictability of judges' decisions versus jury decisions, the strength of your case, and the emotional appeal of your case.

Bill Shumaker '87 focused on the lessons that could be learned from this case. It shows, he said, that any case can win. From a defense point of view, that means every claim has to be taken seriously. It demonstrates that the law is not a science — "a different judge or a jury might have reached a different conclusion," he said. "Judging by the results, it is probably not an art. It's a human endeavor, with all of the uncertainty, the inaccuracies and inconsistencies that implies." ■



Bill Shumaker '87 talks about lessons to be learned from the orientation case.



Alumni panel, left to right: Mary Mitchell Friedman '82, Keith Powers '73, Bill Shumaker '87, Arlyn Weeks '81



Mary Mitchell Friedman '82 makes a point; Keith Powers '73 and Bill Shumaker '87 listen

Lang Appointed Associate Dean



Professor Michael B. Lang

Michael B. Lang has been appointed Associate Dean for a two-year term effective July 1, 1993. Among his other duties as Professor and Associate Dean, Lang will facilitate the 1994 ABA/AALS Reaccreditation visit to the Law School.

Lang has taught at the Law School since 1983. He earned his bachelor's degree at Harvard and his law degree at the University of Pennsylvania. He has practiced tax law in Philadelphia and Chicago, has been a research fellow at Yale, and has taught at Illinois Institute of Technology/Chicago-Kent College of Law, the University of Utah College of Law, and the University of San Diego College of Law.

He has written on taxation for various periodicals, including *The Tax Lawyer*, *Taxes*, the *Maine Law Review*, and the *Tax Law Review*. With Professor Colleen A. Khoury, he coauthored the treatise, *Federal Tax Elections*. He recently coauthored with his wife, Isa, the 1988-92 Cumulation to the *Index to Federal Tax Articles*. ■

Faculty News

Professor **Colleen Khoury** has been appointed a member of the Civil Justice Reform Act Advisory Committee of the U.S. District Court for the District of Maine by Chief Judge Gene Carter for the term August 1993 through July 1997.

Professor and Law Library Director **William Wells** was appointed by the legislature to the State Court Library Committee. The Committee will oversee the Court's attempt to provide access to legal materials throughout the state.

Professor **L. Kinvin Wroth** spoke at the presentation of a portrait of former Chief Justice Vincent L. McKusick to the Supreme Judicial Court at the Cumberland County Courthouse on June 17, 1993.

On June 18, in Portland, Professor Wroth made a presentation on the alternative dispute resolution recommendations of the Commission to Study the Future of Maine's Courts at a program entitled "Dispute Resolution and the Courthouse of the Future." The program was sponsored by the American Bar Association's Standing Committee on Dispute Resolution, the Maine Judicial Department, the Commission, and the Maine Association of Dispute Resolution Professionals.

Professor Wroth presented the report of the Commission to Study the Future of Maine's Courts on behalf of Commission Chair, Hon. Harriet P. Henry at the special business meeting of the Maine State Bar Association held at St. Andrews, New Brunswick, on July 16, 1993.

The University of Maine Law School has received a 1993-94 grant of \$4,000 from the Canadian Embassy for the School's Canadian Legal Studies Program. This is the seventh year in which the program, under the direction of Professor Wroth, has received support from this source. Funds will be used for faculty exchange visits, other program activities, and library resources.

Professor **Michael Mullane** was one of seven law school clinicians invited by the U.S. Department of Education from all over the country to participate in a two-day planning meeting in Washington, D.C. on September 9-10. The invitees were charged with developing an agenda for the DOE sponsored national conference on Clinical Legal Education and the role played by the U.S. Department of Education in administering the Title IX grant program. ■

Faculty Members Participate in Canadian Program at MSBA Meeting

The Law School's Canadian Legal Studies Program was on display at the summer meeting of the Maine State Bar Association, held in St. Andrews, New Brunswick, July 15-18, 1993.

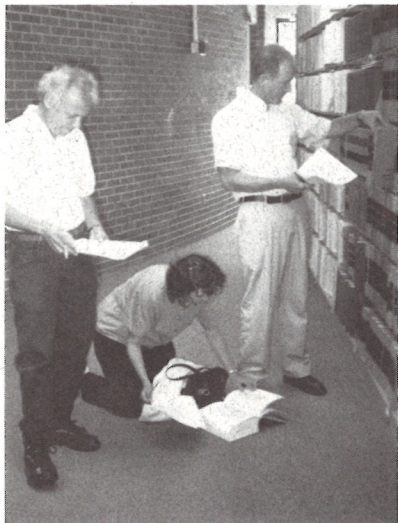
Dean Donald Zillman and four colleagues joined with Maine lawyers and New Brunswick law faculty and practitioners in a day-long program entitled "The United States and Canada: Neighbors and Trading Partners." The program recognized the unique site of the meeting by examining differences in the laws and legal systems of the two countries, their experience as trading partners under the Free Trade Agreement, and specific issues arising in cross-border transactions and investments.

In the first session, "Comparative Legal Systems," Professor L. Kinvin Wroth and Professor John P. McEvoy of the University of New Brunswick Faculty of Law discussed constitutional law issues, and Dean Zillman and UNB Professor Donald J. Fleming reviewed the current state of tort law. In the second session, Professor Orlando Delogu and UNB Dean H. Wade MacLauchlan considered comparative environmental law issues, and Professor Michael B. Lang and UNB Professor Richard W. Bird dealt with tax law questions. In the afternoon, Professor David P. Cluchey and Professor Fleming engaged in a dialogue on experiences under the Canada-U.S. Free Trade Agreement and changes that would occur under the pending North American Free Trade Agreement.

The meeting concluded with an address by Mr. Justice G.V. La Forest of the Supreme Court of Canada on the use of U.S. precedent in Canadian Charter of Rights cases and the possibility of a reciprocal U.S. look at Canadian decisions.

The program was organized and moderated by Professor Wroth and Keith C. Jones, Esquire, of Drummond, Woodsum, Plimpton & MacMahon, Portland. ■

Law-Related Education Holds Summer Institute 1993

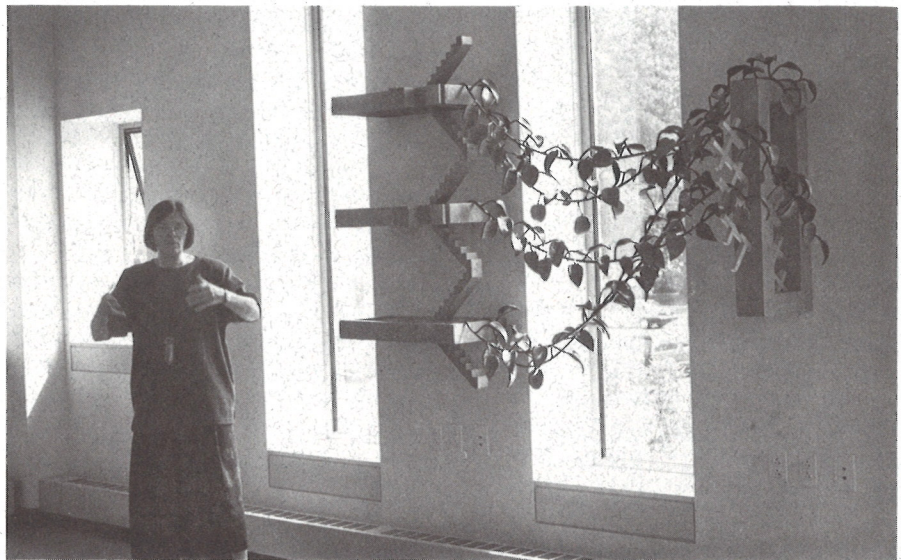


Participants search out primary material in the Law Library.

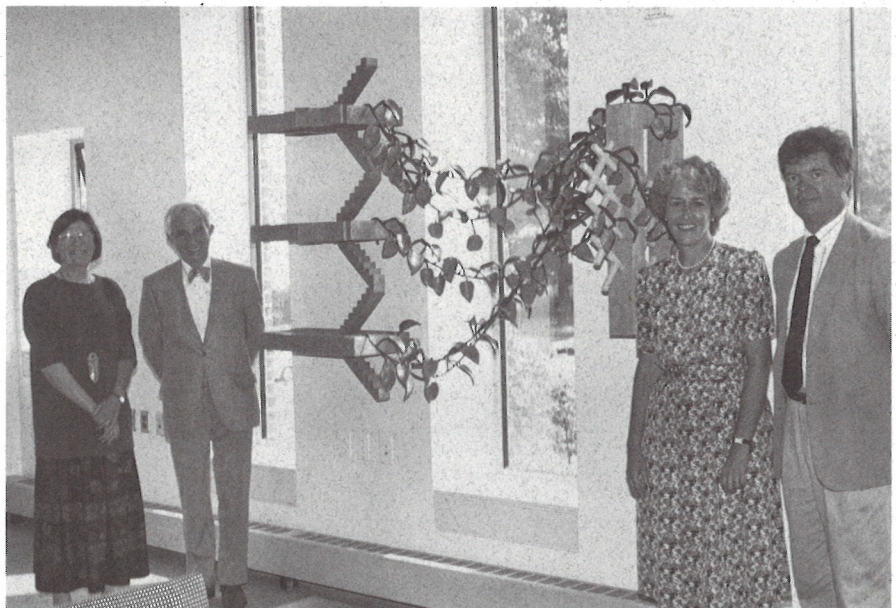
Teachers, D.A.R.E. officers, guidance counselors, and school administrators gathered at the Law School in August for Summer Institute 1993: Where the Law Comes to Life! The weeklong Institute provided the 36 participants with an intensive course of study in law-related education. Its goal is to forge a partnership between law and education, and to assist teachers with the task of improving students' understanding of our legal system and their rights and responsibilities as citizens.

Highlights were Socratic lessons by Professors Jim Friedman and David Gregory on the purpose of law, the 1st Amendment, and Search and Seizure in the Schools. Professor Michael Mullane moderated a panel that discussed the Rodney King trials. Participating in the discussion were Attorney General Michael Carpenter '83; Portland Police Chief Michael Chitwood; Jerry Talbot, former President of the Portland N.A.A.C.P. chapter and former Maine state legislator; and Richard O'Meara, legal director of the Maine Civil Liberties Union. Rounding out the Institute's faculty were juvenile law attorney Edwin Chester and domestic law lawyer Ken Altshuler '85. ■

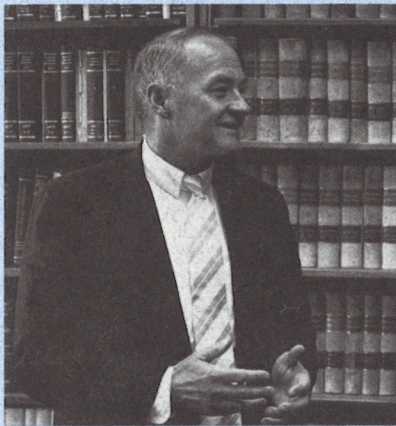
"Inside and Outside" Library Sculpture Dedicated



Harriett Matthews, Professor of Art at Colby College, with her sculpture, "Inside and Outside," which graces the wall of the second floor of the new Library addition. The sculpture is a result of legislation requiring that a percentage of the cost of public buildings be spent for art. Matthews' work was selected from 13 proposals by the Percent for Art Committee. Matthew's design reflects the floor plans of the three stories of the Library addition connected by vines representing the outdoors.



Harriett Matthews, Professor of Art at Colby College, with Percent for Art Committee, Lewiston attorney and Maine Sunday Telegram art critic Philip Isaacson, Professor Colleen Khoury, and Library addition architect David Hingston, TFH Architects.



David J. Corson '69

President's Column

The Law School faces a time of transition. We are evolving from what many of us experienced — a public institution offering a very good legal education for a very low price — to a not so inexpensive public institution that now resembles a private institution. The transition comes at a time when many people outside the legal community and many within it are questioning whether there are too many lawyers already. Some question the need for a law school in Maine. Others ask whether that law school should be supported at all by the state of Maine. Let me offer some comments and facts.

The University's Board of Trustees, at their July meeting, approved a new Law School tuition formula. Increases over the next three years are intended to eliminate any state subsidy to the operating costs of the J.D. program. Basically, that means state dollars will no longer be underwriting the cost of educating lawyers at our Law School. It also means tuition rates will jump dramatically.

This year Maine residents will pay about \$7,000 in tuition and out-of-staters will pay \$13,500-14,000. Two years from now those figures may be several thousand dollars higher.

Quite a change from the \$400 a year I paid. In terms of tuition rates, as I stated above, our law school is beginning to resemble a private institution. Private support — from us — is crucial if we want to see our school maintain its excellence in teaching, in the caliber of its students, the graduates it produces, and in its Library.

This may be a good time to explore whether we want to see our law school continue to exist at all. Some people believe that closing the Law School would help reduce what they perceive to be an oversupply of lawyers.

I would argue that closing the University of Maine Law School would simply result in the opening of a new private law school in Maine. The demand for legal education is high.

Our school now turns down hundreds of applicants capable of doing the work each year. A private school would charge even higher tuition and it would accept many more students, for cost-effective reasons. It would churn out many more lawyers wanting to join the Maine bar. Right now our graduates make up less than 30% of new members of the Maine bar each year (the 1987-92 average is 27%).

Our public law school — albeit a more expensive public law school than it once was — offers important advantages to Maine over a private institution. It provides a chance for talented Mainers of modest means to get a quality legal education, students who may be closed out of the market otherwise. It produces impressive graduates whose work in their practices, in the business community, in government and in public service benefit the State. Our school provides many services to the community, bar and State for which a private institution would not necessarily be responsible.

You have recently received an invitation to give to the Law School's 1993 Annual Fund. Please consider it a more serious plea than any you have received before. The need is greater than ever and your support is crucial. ■

Alumni Participation in the 1993 Maine State Bar Association's Summer Meeting

The Maine State Bar Association held its summer meeting at the Algonquin Resort in New Brunswick, Canada on July 15-18. The Association presented a series of programs examining the differences in the laws and legal systems of the United States and Canada, the experience of the two countries as trading partners under the Free Trade Agreement, and issues that arise in cross border transactions and investments.

Several alumni participated in program events. William B. Cote '83, John D. McElwee '73, and J. Scott Davis '75 were on the panel, "Alcohol and Substance Abuse: Solutions and Opportunities." Davis and Louise K. Thomas '77 participated in the

panel, "Lawyer Professionalism: Ethical Dilemmas and the Impact of the new Rules on Conflicts." Participating in the panel discussion, "The U.S. and Canada: Similarities/Differences in Various Legal Environments," was John H. Montgomery '77. Mark G. Lavoie '78 moderated the discussion "Improving the Public Image of Lawyers: What Can and Should the Bar Do?"

David J. Fletcher '71 presented the Report of the ABA State Bar Delegate. Linda Smith Dyer '80 provided the Legislative Update. Panelist Richard P. Romeo '77 discussed "The Role of Special Needs Trusts in Settlements of Personal Injury Actions." Stephen T. Hayes '77 moderated the

panel, "Law Practice Management: Enhancing Your Firm's Image, Efficiency, and Profitability"; Ellsworth T. Rundlett, III '73 also participated in the panel discussion.

Panelists Edward F. Feibel '82 and William S. Wilson, Jr. '78 discussed "Employee v. Independent Contractor: Tax and Labor Consequences." Beth Dobson '80 and Ryan S. Stinnesford '88 were on the panel, "Recent Legislative Developments Affecting Financial Institutions and Their Counsel."

At the reception on Saturday evening David J. Cassavant '93 was presented the Pro Bono Student Award. The award is given by the Maine State Bar Association to a graduating student whose law-related services to the community, without compensation or education credit, exemplifies the legal profession's tradition of pro bono service. ■

Precedent Setting Case

The \$723,000 awarded to the estate of an injured National Guard member by a Passaic County jury is apparently the first of its kind—a soldier sued another soldier in a civilian court in a tort action for injuries received “in the line of duty.” It is also likely to be the last of its kind.

Joseph Albanese '75, now a sole practitioner in Toms River, New Jersey, got involved in *Phillips v. Curiale et al.* in 1979. He was then practicing in Paterson, New Jersey and took on the case as a favor to a pro bono client. “I had a general impression it would be difficult to sue the military, but had no idea just how difficult,” said Albanese.

After moving to Maine in 1980, Albanese continued to handle the case, traveling to New Jersey periodically as needed to manage the litigation.

The case involved Walter Phillips, 19, a member of the New Jersey National Guard injured in August 1978. Four days after being thrown around in an M-113 armored personnel carrier, Phillips collapsed with a spinal cord injury. He became a quadriplegic and spent most of the following year hospitalized. The National Guard, however, concluded that Phillips was not injured during the training exercises.

Albanese filed the lawsuit in 1980. In 1982, the Superior Court of New Jersey dismissed the case, ruling that Phillips' exclusive remedy was military compensation. The Appellate Division affirmed the lower court decision in 1983. In early 1985, the New Jersey Supreme Court reversed the lower court. It ruled that Phillips could sue his commander and the driver of the vehicle. It also ruled that New Jersey would have to indemnify the defendants.

In 1987, the New Jersey legislature passed a retroactive law, prohibiting lawsuits by one member of the National Guard against another. Once again, the Superior Court threw out the case, this time based on the retroactive legislation. Again, the Appellate Division upheld the Superior Court decision. Again, the New Jersey



Joseph Albanese '75

Supreme Court overruled the lower court and the Phillips case went to trial in May, 1993.

In the middle of all this judicial activity, Walter Phillips died. On September 23, 1987, while in New Jersey preparing the case for trial, Albanese became concerned because Phillips was not answering his phone. Albanese went to Phillips' apartment, was let in by the building superintendent and found Phillips dead. He had taken his own life with pills. Phillips' mother was appointed executrix of the estate and decided to continue the lawsuit. Albanese decided to move to New Jersey full time, feeling that in light of the legal complications caused by Phillips' death, the case could not be managed from Maine.

“Except for the Phillips case all my work is in the area of debtor-credit law,” said Albanese. “The case took over 4,000 hours of work, about \$150,000 in out-of-pocket expenses, and an enormous emotional commitment on my part over the past 14 years, but in the end, the jury believed Walter Phillips' story. I have a great sense of accomplishment in winning the Phillips' case. I wish Walter were here to share this victory.”

While the Phillips case set a precedent, it is a precedent that will likely not be repeated. In 1981, Congress passed a law establishing federal responsibility for the torts of National Guardsmen. Under this law, federal law controls the rights of a National Guard member who is injured in the line of duty by another member and under federal law, military personnel are immune from lawsuits by other military personnel acting in the line of duty. ■

Alumni-Student Mentor Program Underway

As fall semester began, so did the Alumni-Student Mentor Program. The Program's objective is to provide students with an opportunity to meet informally with alumni who can share their perspective on life during and after law school.

Planning for the Program began a year ago. The Alumni Association Board was exploring such a program; at the same time, students were asking about the possibility of establishing a mentor program.

Arlyn Weeks '81, Diane Dusini '87, Mark Terison '78, Judy Plano '93, Mel Walker '94, Trevor Hughes '95 and Jim Gunson '95 joined Assistant Dean Barbara Gauditz '87 and Alumni Relations Director Joan Amerling to form the Alumni-Student Mentor Program Committee. A preliminary questionnaire to students reinforced student interest and helped shape the goals of the Program. Questionnaires were then sent to all graduates and students, to determine how many wanted to participate. During the summer, the Committee matched students with alumni mentors.

The Program begins with 38 students matched with alumni. Many more alumni volunteered to be mentors. Committee members said that making the matches was a big challenge. They hope that alumni who were not matched this first time will remain interested in being mentors and hope that others will decide they too are interested. (Anyone interested in being a mentor in the future should contact either Barbara Gauditz or Joan Amerling. New matches will be made toward the end of the second semester.) ■

Save November 6 for Annual Dinner

Bowden '91 Wins ABA Journal Essay Contest



Michael Bowden '91 in St. Petersburg, Russia

"The False Threat of Political Correctness," by Michael Bowden '91 has been chosen by the *American Bar Association Journal* Board of Editors as the 1993 winner of its annual Ross Essay Contest. The essay, which appears in the September, 1993, issue of the *Journal*, argues that "the plot twist in the PC debate is that the speech that offends is not overly hateful as often as it is overly accommodating."

The ABA selects a different theme each year for the Ross Essay Contest. This year's topic was political correctness and the first amendment. Bowden, an associate with the Providence, Rhode Island firm of Halpert & Scoliard, specializes in bankruptcy, commercial law, and creditors' rights.

"I had just started subscribing to the *Journal* when I found the ad for

the contest," Bowden said. "Although I don't practice in that area of law, the subject of political correctness is something of a pet topic, so I wrote in for the contest rules. They arrived on January 17 and the deadline was February 1.

During the next two weeks I thought about the subject a lot, mulled it over with friends, then basically wrote the whole essay in one weekend. As it happened, I had a house full of guests that weekend, so I ended up writing most of it in a little neighborhood coffeehouse. I mailed it off Sunday night, with Monday being the deadline. Needless to say, I didn't expect much."

The entries were reviewed by a committee from the ABA's Senior Lawyers Division, co-sponsors of this year's contest. They selected 13 semi-

finalists. From this group, the Ross Essay committee of the *Journal's* Board of Editors selected Bowden's essay. The *Journal* sponsors the contest with funding through a bequest from the late Judge Erskine M. Ross of Los Angeles.

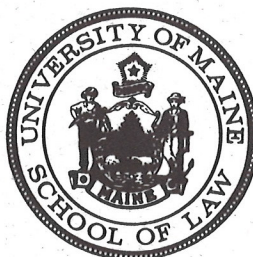
Bowden was recognized at the ABA's Annual Meeting in New York City, where he was awarded a \$7,500 cash prize at the August 6 luncheon of the Senior Lawyers Division and enjoyed six days at the Hilton Manhattan as the ABA's guest.

Because Bowden has a long-standing interest in Russia and Eastern Europe and speaks Russian, he attended a meeting of the liaisons of the ABA's Central and Eastern European Law Initiative (CEELI). In cooperation with U.S. government agencies, CEELI sends attorneys to help Russia and other Eastern European countries install democratic and free market institutions.

Having followed up on contacts made during that meeting, Bowden is now considering an offer from CEELI which would place him in the Russian Republic for a project involving the development of a commercial and bankruptcy law framework in that country.

"While political correctness and the first amendment are not exactly up my alley in terms of professional interest, winning the Ross Essay Award was certainly a great honor," Bowden said. "And in a roundabout way, it has also led to an unusual opportunity to combine my legal specialty with my interest in Russian language and culture. It will be interesting to see where all of this leads." ■

MAINE



LAW

The Maine Law and Technology Association (MLTA), the Law School's newest student organization, is selling window decals to raise money to sponsor a speaker at the Law School. The MLTA deals with issues of law and technology (e-mail, the Internet, privacy, and the like) and was established by Erik J. Heels '95 during fall, 1992. To receive your decal, send a check (payable to the University of Maine School of Law) for \$2.50 to MLTA, University of Maine School of Law, 246 Deering Avenue, Portland, ME 04102.

Alumni News

'78 Elliott L. Epstein authored an article, "The Demise of Breach of Employment Contracts and Wrongful Discharge," published in the *Maine Bar Journal*, July 1993. **Jonathan W. Reitman** has joined Ann R. Gosline in the formation of Gosline & Reitman Dispute Resolution Services specializing in facilitation and mediation of public policy and complex civil disputes and training of the public and private sectors in the design and use of dispute resolution processes. He will maintain his practice in Brunswick focusing on domestic relations mediation and labor-management and commercial issues arbitration. **James S. Russell** received the rank of full Colonel at a ceremony held on July 1, 1993. He is currently assigned to the legal department of the Army's Judge Advocate General's Corps. Attending the ceremony were fellow Law School classmates Mark Terison and Andy Eschen.

'79 Robert A. Burgess was on the faculty of the Maine State Bar Association's Continuing Legal Education program, "Hazardous Waste," held on September 22 in Augusta. **Patricia Goodridge Worth**, former Assistant District Attorney of District 6 in Maine for 13 years, has become associated with the firm, Eaton, Glass & Woodward, Belfast. She is also a new member of the Board of Governors of the Maine Trial Lawyers Association.

'80 Jeffrey J. Clark's law firm, Ott & Clark, P.A., has merged with Erwin & Campbell. The new firm is located at 16A Woodbridge Road, York, Maine.

'81 Marc T. Caron, formerly with Tenneco, Inc., Houston, Texas, is now Director of Tax Research, Planning and Audits for the Pacific Gas and Electric Company, San Francisco. **Richard R. Gosselin** was on the faculty of the Maine State Bar Association's Continuing Legal Education program, "Orchestrating Tax-Free Property Exchanges," on September 24 in Portland.

'84 P. Andrew Hamilton was on the faculty of the Maine State Bar Association's Continuing Legal Education program, "Hazardous Waste," on September 22 in Augusta. **Edwinna C. Vanderzanden** has joined the Trial Department of the law firm of Sanders and McDermott, Hampton, New Hampshire. She was a former share-

holder and director with the firm of McNeill & Taylor, P.A. of Dover. She resides in Rochester, New Hampshire, with her husband, Andre H. Vanderzanden, M.D., and her daughter, Jacqueline, a student at Berwick Academy. Her daughter, Danielle, practices law in Boston.

'85 Kenneth P. Altshuler was a panelist at the Maine State Bar Association's Continuing Legal Education program, "The Pro Bono Lawyer: Domestic Relations," on August 26 in Portland. **Timothy P. Benoit** and **Michael L. Sheehan** were on the faculty of the MSBA's CLE program, "Orchestrating Tax-Free Property Exchanges," on September 24 in Portland.

'86 Shari D. Broder is a member of the American Arbitration Association panel of labor arbitrators. She is Secretary of the Maine Association of Dispute Resolution Professionals, an association of arbitrators, mediators and facilitators. She was also elected President of Maine Arts, Inc. Her article about Seal Cove Farm was published in the "Making it in Maine" column, *DownEast Magazine*, this summer. **Eric J. Bryant**, who had been an assistant attorney general, is now working for the Office of the Public Advocate. **Kaighn Smith, Jr.** has joined the firm, Fontaine & Beal, P.A., Portland and is counsel to the Indian Affairs law firm, Hobbs, Straus, Dean & Wilder of Washington, D.C. He recently presented a paper on tribal sovereign immunity at the Fifth Annual ABA Conference on Natural Resources and Indian Lands in Albuquerque, New Mexico.

'87 Derek P. Langhauser has become associated with the firm, James E. Kaplan & Associates, P.A., Portland. **Stephen J. Melchiskey** was promoted to Vice President of Adventures in Wine, a San Francisco based wine importer where he handles the marketing, sales and legal/business issues. He recently attended the conference of the French-based International Wine Lawyers Association meeting in Napa Valley dealing with the legal issues of wineries, grape growers and the wine trade. Melchiskey and his wife Nancy hope to move back east and start their own winery. **Timothy E. Robbins** has opened his own law office at 465 Congress Street, Portland.

'89 Peter J. Wiley was on the faculty of the Maine State Bar Association's Continuing Legal Education program, "Hazardous Waste," on September 22 in Augusta. **Susan Schultz** has passed the CPA exam and, in July, opened her own law office at 80 Exchange Street, Suite 26, Portland. She formerly worked for KPMG Peat Marwick.

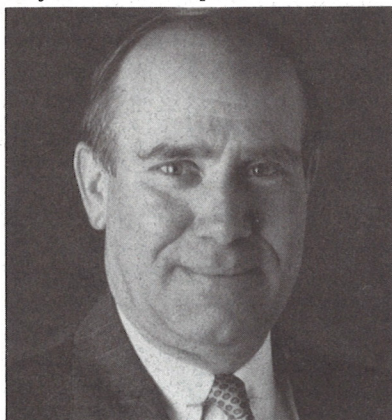
'90 Kathryn L. Vezina was on the faculty of the Professional Education Systems' seminar, "Medicine Made Easy for Lawyers," on July 28 in Portland.

'92 Robert Fisher, after completing a clerkship in Vermont, has been selected as the new juvenile prosecutor in the Windham County State's Attorney's Office. Fisher will work half-time in this position and half-time with his father, Kenneth Fisher, Jr., in Brattleboro. **David Leach** has become the Executive Director of Scenic Rhode Island, a non-profit organization focusing on issues related to environmental aesthetics. His work involves education, grant writing and advocacy. **Louise McCarthy** is now working for the Massachusetts Department of Insurance in Boston. **Pamela Prodan** has opened a law office, Sosnoff & Prodan, 30 High Street, Farmington, specializing in general law. Her winning essay of the Sixteenth Annual National Energy Law and Policy Institute Energy Law Essay Competition, "The Legal Framework for Hydro-Quebec Imports," was published in *The University of Tulsa Law Journal*, Spring 1993, Vol. 28, No. 3. ■

Karen Murphy '77 died on July 31 at her Cambridge home. A graduate of Barnard College, she wrote freelance articles for *Rolling Stone*, *National Lampoon*, *The New York Times Magazine*, and other publications. At the time of her death, she was writing a book about her struggle with cancer. She served as a criminal attorney for the poor from 1988 until shortly before her death. Previously, she practiced general law in Searsport, Maine where she also ran a business making doll houses and miniatures. ■

Transnational Practitioners

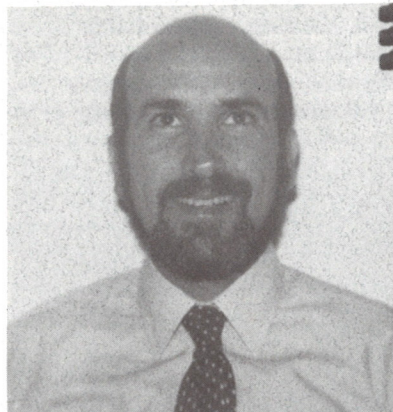
A year ago the *Quarterly* featured an article about **Ward L. Graffam '67**, Senior Vice President and Managing Director of European Operations of UNUM. Graffam has worked for UNUM since 1968 in a variety of positions, including Chairman of UNUM Ltd., the company's United Kingdom affiliate. When UNUM decided to expand into the international area in the mid-1980's, Graffam was charged with moving UNUM into areas where the best opportunities existed. He first worked on expanding UNUM's business into Canada, then the United Kingdom, and now is monitoring the United Kingdom operations and working on further European development. Graffam began working in the international area because his company began expanding internationally. The evolving global economy inevitably means more international work. Our graduates are involved in a variety of ways. A few examples follow.



Ward I. Graffam '67

Paul E. Mason '76 is Director, External and Legal Affairs, Latin America/Caribbean for Digital Equipment Corporation. He is based in Deerfield Beach, Florida, about 40 miles north of Miami, and travels frequently to Brazil, Mexico, Venezuela, Argentina and other places where Digital does business.

"It's a very exciting time to be doing business in Latin America," said Mason, "with political democratization, opening markets, freer trade, privatization and deregulation." Mason's job involves the business, diplomatic and cultural realms, along with the legal. As general counsel for the Latin American/Caribbean area,



Paul E. Mason '76

his work encompasses traditional commercial, contracts, labor and real estate issues and more typical Latin issues such as government regulation of technology licensing, joint ventures and the importation and financing of computers. "There is a different legal approach to all these matters in Latin America," Mason said.

"Perhaps most interesting," he commented, "is the fact that in many Latin countries the law is not seen as a neutral, logical instrument deriving from democratic tradition and court precedents. Rather, it can take on a highly individualized dimension."

Mason is also a member of Digital's Latin America/Caribbean senior management team, and is expected to provide common sense business advice. He also recently provided the legal support for Digital to set up offices to do business in Russia, making a winter 1991 trip to Moscow in the process. Mason speaks Russian as well as Spanish, Portuguese and French and uses all to varying extents in his work.

"I'd say the most attractive element of my practice," Mason said, "is the variety. Five or more very different issues can be worked on during any given day. There is definitely a tendency towards specialization in the law today, most notably in private practice. Handling a geography for a large multinational provides a spice of its own. My area of specialty has become the geography itself—its laws, business practices and customs."

Long interested in international work, Mason majored in Russian Studies at Yale, and then received an M.A. in International Relations from the Johns Hopkins School of

Advanced International Studies in Washington, D.C. and Bologna, Italy. In 1971-72 Mason taught in Brazil, and in 1972-73 he worked as an administrator for an Asian cultural foundation. At law school, "these international interests took on a legal dimension via participation in Marty Rogoff's excellent seminar in Comparative Law and the International Moot Court program," he said.

"My journey to Digital came about through good fortune and some planning," Mason said. After law school, he was based in Boston and worked as a consultant to a U.N. agency. He then joined a small Cambridge law firm, where he concentrated on international business transactions for biotechnology and computer clients. He worked temporarily as in-house counsel with Bank of Boston on an international electronic trading project, discovering that in-house counsel work provided the opportunity to participate in business as well as legal decisions.

Believing that "computers hold much of the key to economic development in Latin America and Russia," he decided to look for an in-house position with a computer company that was an active player in the international marketplace. His timing, he said, was fortuitous. Digital was moving its Latin headquarters from Massachusetts to South Florida and he joined them in 1988.

Mason's advice to students interested in international work: language and cultural skills gained from experiences abroad are invaluable assets; if you can't find the perfect job, cull whatever international experience you can from the job you have; a stepping-stone approach can get you where you want to be.

Richard S. Wolfe '64 has also long been interested in international relations. He spent the summer after high school in Norway, courtesy of the Experiment in International Living. Between his second and third years at Amherst, he went to German language school at the University of Innsbruck in Austria. After graduating from college, he went to work for U.S. Intelligence in Salzburg, where he met and married a German from Berlin.



Richard Wolfe '64 in India

His overseas career was interrupted by circumstances that led to a return to a family business in New York which was moved, in 1955, to Maine. While managing the business during the next 35 years, Wolfe retained an interest in overseas activity through personal travel and professional assignments with an organization called International Executive Service Corps.

IESC is a voluntary organization dedicated to speeding the growth of democracy in developing free market economies by helping them help themselves expand their free market enterprises. It was founded by businessmen convinced that it is much more valuable to Third World countries to have talented American businessmen and women provide training than it is for them to get cash, and that the economic growth through private competition supports the spread of plurality and democratic institutions.

"When I sold my business interests in 1990, I had in mind a second, full-time career contributing to the economic and social development of disadvantaged countries," said Wolfe. "IESC gave me the opportunity to join their organization and learn a new vocation, that of Country Director of their programs, first in Egypt and then in Indonesia."

The job required Wolfe and his wife to make a two-year commitment to IESC, because of the need for continuity in the relationship between IESC, U.S. AID, the U.S. Embassy, the host country government Ministries and the local business community. "The work involved integration with those constituents in making the private business sector aware that IESC has experienced hands-on American business experts in virtually any field available to transfer skills to

local counterpart businessmen and women," said Wolfe. In his one year in Egypt, IESC matched over 100 American men and women with Egyptian companies needing assistance. The projects were paid for by a combination of direct charges to the client and grants from U.S. AID. The Wolfes decided against another two-year assignment. Instead, during the past 18 months, Wolfe has done one to two month managerial assistance projects in Ghana, Slovakia and Sri Lanka.

"My law degree added strength to my résumé," said Wolfe. "It helped me get started in overseas work and my legal education helped me in my wide range of activities. It contributed to my competence in a job that constantly presented issues of first impression, both in practical and philosophical problems. Even though I was representing the best of American business talent in an international business environment, a law degree was more helpful to me than an MBA would have been."

Wolfe commented that there are opportunities overseas for lawyers in both private and government sectors but the jobs are difficult to get. "If the prospect of cross cultural immersion holds attraction as an extra dimension in the framework of a total life," he advises, "it's worth trying."

Genrong Yu '89 was the first of a number of students who have come to the law school from China. Yu had a degree in maritime law from the Shanghai Maritime Institute. His interest in the roots of Chinese maritime law, which are similar to American and British maritime law, and his desire to handle international trade and U.S.-Chinese issues inspired him to seek a law degree in the United States.

After graduating from law school, Yu joined Healy & Baillie, a New York City law firm specializing in maritime law. He has recently become a partner of the firm.

"Maritime law has very strong international characteristics," said Yu. "I mainly represent shipowners from Mainland China and Hong Kong in resolving maritime disputes incurred in the United States, including ship collisions, charter parties, bills of lading, and cargo claims."



Genrong Yu '89 with his wife and daughter at his law school graduation, May, 1989

Yu also represents American companies who have maritime or other commercial disputes in China and Hong Kong. And he counsels American corporations which do business in China. He will soon establish a Hong Kong office for Healy & Baillie, which will be the firm's first branch office. "For me, the Hong Kong office will mean more work and more time in the Far East," said Yu. In fact, as this newsletter was going to press, Yu was leaving for an extensive trip to Hong Kong, China and Singapore.



Yilin Tang '90

Yilin Tang '90 arrived at the law school one year after Yu. A graduate of Shanghai Maritime Institute with a Master of Law degree, Tang had been practicing in China in the field of maritime law and international commercial law for several years. Five cases in which he represented domestic and foreign clients were reported in the *China People's Supreme Court Reporter*.

Realizing, however, that his legal knowledge and experience was very limited in a newly recovered legal system in the aftermath of the "Cultural Revolution," Tang came to pursue a more comprehensive education in law. "I felt my study at the Law School was very rewarding," he said. "I learned not only from the classes and texts, but also from observing how the legal system operates in the United States," he stressed.

Tang was offered a job with LeGros, Buchanan & Paul, a Seattle based maritime law firm. "The firm," said Tang, "has been cultivating business in China for years. They represented a number of Chinese corporate clients including China Shipowners Mutual Assurance Association. My background was attractive. I have helped with the improvement of communications, in terms of both the language and the concepts."

Recently, Tang was retained in a litigation as an expert witness in Chinese law by American President Lines, the largest shipping company in the United States. "In the long run," Tang said, "I see a great deal of demand for professional service combining what I learned in China with what I learned in Maine."

Paula N. Singer '78 is an international tax attorney; she does personal, corporate and trusts and estates work. Her clients include U.S. citizens and U.S. lawful permanent residents relocated abroad, foreign nationals relocated to the U.S., companies relocating employees internationally, small, medium and large-sized businesses and shareholders involved in international transactions, foreign nationals with U.S. investments requiring U.S. estate planning, and U.S. individuals needing international estate planning because of foreign assets or beneficiaries.

While still in high school, Singer thought about going to law school, but it did not happen right away. Her first job after graduating from college was as a computer programmer; she designed computer systems in the insurance industry for the next ten years. "All during this time I still wanted to go to law school," she said. In 1975, she left Unionmutual (now UNUM) for law school.

"I liked business and wanted to be involved in advising clients on complicated business matters," said Singer.

She took every available business and tax course. Upon graduating, she took a position at Peat Marwick and, fortuitously, took both the Massachusetts and Maine bar exams. Her husband, from Massachusetts, soon accepted a job there and they moved to Boston.



Paula N. Singer '78

Singer found the Boston legal job market tough to crack. Turning to the computer field, she got an interview at Arthur D. Little for a systems analyst position. During the interview, ADL decided the combination of her education, training and skills made her the ideal candidate for a personnel position to handle their international relocations-immigration processing, contract costings for resident assignments, employment contracts and expatriate tax program.

It was on the job training, Singer said. "I learned the expatriate tax law working with ADL's outside tax lawyer, Ken Vacovec, who is now my partner. My first contract work was on a \$5.5 million contract with the government of Egypt funded by the U.S. Agency for International Development. In the process I had to teach the U.S. tax laws to both the ADL and AID negotiators. After five years at ADL, I joined Ken Vacovec's firm in private practice at the age of 40!"

Singer decided to build her practice by marketing in an area she now knew well, international taxation. She found few lawyers were advising clients on international tax matters. Her client base grew and she became a partner in four years. Her practice is varied. She gives tax planning advice to individuals all over the country and all over the world, to large companies, and to small companies. Right now, she said, she is working with a New Hampshire software company estab-

lishing a service operation in Belgium supporting sales through European dealers and distributors. "I am working with Belgium counsel to obtain work and residency permits for the employees, to establish the branch, and to establish tax-effective compensation plans. I am also writing the employee contracts and advising employees and the company of their tax situations."

"I particularly enjoy meeting people from around the world. It gives me a perspective that few Americans ever get. I also enjoy taking a very complicated body of law and procedures and making it understandable to clients," she said. "I am providing advice on complicated business matters, which is exactly what I wanted to do when I was in law school. It just took a little while to reach the goal."

"If there is a lesson to be learned from my experiences," Singer commented, "it is that patience and perseverance win out. Throughout my career I took the best opportunity (sometimes the only opportunity) available to me even if it wasn't what I had planned to do. In retrospect, I couldn't have planned it better if I had tried."



Steven A. Hammond '77

He majored in government and legal studies and minored in Romance languages at Bowdoin which may sound like a logical path to a career in international law. But **Steven A. Hammond '77** came to law school to enhance a career in journalism.

From the time he was 15, Hammond was interested in journalism. During law school, he wrote legal articles for the *Bangor Daily News* and did legal reporting for Channel 6 in Portland. Only while working on his LL.M. at the Free University of Brussels did he decide to try practicing international law.

"It was not easy to find a job in New York City from Belgium," said Hammond. "The combination of my credentials and a need for additional help with a big case—the Amoco-Cadiz case—led to my landing a job at the New York City law firm Hill Betts & Nash." After five years, Hammond was made a partner. A year later, with another partner and five associates, he left to join Hughes Hubbard & Reed, specifically to expand the firm's international practice. Of the 275 attorneys at the firm, Hammond said, several dozen are involved in transnational work.

Hammond has been involved in a number of major international arbitrations and transnational litigations. He has represented Japanese manufacturers in disputes with their U.S. distributors. He has counseled a U.S. government agency in connection with enforcement abroad of a \$30 million order of restitution. He has defended a multinational inspection company in connection with a lawsuit arising out of the installation in Hawaii of a sugar mill fabricated in Taiwan. Presently he is defending a Finnish manufacturer of paper mills whose dispute with a Chilean customer is in arbitration before the International Chamber of Commerce.

A recent case involved a Texas oil company which had been forced out years ago as a joint venture participant in a Caribbean off-shore operation. Ten years later, when the government changed hands on the Caribbean island, racketeering charges were brought against the Texas company and several of its directors, accusing them of buying off the old government officials.

The Texans counterclaimed, asserting that while they had been willing to accept an enormous loss a decade earlier for political reasons, they would now demand what they should have been paid originally. "I was very much involved in the counterattack," explained Hammond. After depositions of the current and foreign prime ministers, attorney general, high court justice, and other cabinet officers, the case was settled, but only after the settlement agreement was the subject of much debate in Parliament. "It was fascinating to see the local press version of what was going on," said the former journalist.

Hammond believes that there inevitably will be more and more work in the international and transnational area. An LL.M. never hurts, he said, and in the right circumstances, language skills are very helpful. "My basic message to students," he said, "is to not underestimate the breadth of international opportunities that are out there."



Sally A. Erickson '90

Sally Erickson '90 has just begun her fourth year as an associate at Grant, Herrmann, Schwartz & Klinger, a seven-lawyer New York City law firm specializing in international matters related to Spain and Latin America. The firm was founded 48 years ago primarily to advise U.S. companies doing business abroad. While the firm still acts as counsel to its "outbound" clients, the majority of its clients today are foreign companies and individuals doing business in the United States.

"In general," said Erickson, "our work entails advising foreign companies and individuals on corporate, tax, immigration and other laws that affect their activities in this country." Their clients include major Latin American banks and financial groups, a Chilean fruit exporter, a Brazilian chocolate manufacturer, and a Spanish manufacturer of products for the visually impaired. The firm also plays a role in international commercial litigations, usually representing foreign plaintiffs in the U.S.

A Spanish major in college who spent her junior year in Madrid, Erickson developed an interest in work related to Spain and Latin America over a period of many years. After college she lived in Madrid for several years, working as a teacher of English as a Foreign Lan-

guage and later as a bilingual secretary for a major Spanish energy conglomerate. "That experience was not only personally satisfying," said Erickson, "but it helped me develop my Spanish language skills, which have since proven invaluable."

Although she left Madrid to go to law school, it wasn't until she was back in school that she realized she could combine her strong interest in Spain with the law. After the first year of law school, Erickson went to summer law school in Madrid and was exposed to international commercial work for the first time. The following summer, she clerked at a Madrid law firm, which gave her a much broader exposure to this kind of work. "That experience helped me focus on my career goals; in fact, it was through contacts in Madrid that I learned about Grant, Herrmann, Schwartz & Klinger," she commented.

For students interested in international law, Erickson stressed the importance of learning to speak and write a foreign language at a very high level of proficiency. "Speaking and writing Spanish is essential to my work." Because it is important in Latin American work, she is now learning Portuguese as well. Distinguishing yourself in some way that "sets an applicant apart from the pack" can also be of interest to an employer: working abroad, for example, or publishing an article about an international topic of current interest.

She also recommends taking courses useful to the international practitioner. "At the University of Maine, I took courses with Marty Rogoff, most notably International Business Transactions, which continue to be useful to me in my work," Erickson said. "Nuts and bolts" courses, such as business associations, business planning, tax, conflict of laws, trusts and estates, and immigration, she added, all provide a conceptual framework for issues that arise frequently in international law.

Like Erickson, **Marshall Neely '87** had always been drawn to international study and work. While at Siena College, he spent his junior year studying in Vienna, and later, after graduating from Brown, he spent a year in Europe. During that year, Neely did a

three-month internship with Swiss Bank Corporation. His law school studies also had an international bent; Neely's independent writing project looked at the conflict between Swiss bank secrecy and U.S. insider trading laws.

These events and efforts may give the impression that Neely early on planned a path that would lead him to legal work in Switzerland. Add the fact that his wife, whom he met during college years, is Swiss. Yet Neely said that his choices appear more planned in retrospect than they were when he made them. "When I came to law school, I knew I didn't want to be a traditional lawyer, but wasn't sure exactly what I did want to do," he said. "I tried to leave my options open so that whatever direction I decided to take, I could make things fit together."

After graduating from law school, Neely joined a law firm in Danvers, Massachusetts, where he practiced basic corporate law. He worked on a lot of purchases and sales of businesses and the real estate work that accompanies that kind of work. He also got married and then headed for Switzerland.



Marshall Neely '87 with wife Diann

Neely got a job working at Swiss Bank as an investment banker, primarily in mergers and acquisitions. While it is very difficult for U.S. citizens to find work with foreign companies, Neely said he offered Swiss Bank a variety of credentials that helped him land the job. His three-month internship at Swiss Bank before law school, his legal background in areas similar to the Swiss Bank job, his marriage to a Swiss woman, his fluency in German and the dialect of Swiss German and even his law school independent writing project all combined to give him credibility as a person long interested in

and somewhat knowledgeable about international law, particularly Swiss law.

After two years at Swiss Bank, Neely left for a new job, or more accurately, for three new jobs. He is now spending about 20% of his time as a consultant to Swiss companies with strong ties to the United States. He has started his own company, which aims to introduce to Europe experiential education concepts somewhat similar to those of Outward Bound. And he is spending the rest of his time teaching business and English at the International School of Basel, a preparatory school that attracts students from all over the world.

"I am having a lot of fun," Neely said. "Synergistically, my new business works perfectly with the teaching. The three jobs are a nice mixture and I like being independent."

Neely's work situation is somewhat different from that of other graduates working abroad. Joseph Farrell '89, for example, works in Norway, but works for a United States' company, Phillips Petroleum. Peter Kelley '79 works for Teledyne. He worked in their Tokyo office for five years and is now headquartered in England. Because it is difficult for a U.S. citizen to be hired by a foreign company in that foreign country, Neely suggested that students who might want to do so look into the International Association of Economic and Management Students. "I can't recommend the association as I never used it," he said. "But I met a number of people who got work through this group. They make arrangements for a one-year practicum in Europe and it seems to serve as a way for people to prove themselves."

Peter L. Kelley '79 practiced law for less than a year before shifting into business. "My business career," he said, "has been based around international work, which would not surprise friends from U Maine, and sales, which probably would."

Kelley had studied Japanese in college and had spent some time in Japan before coming to law school. He had originally intended to get involved in international law, he commented, "but found it to be contract-oriented and drier than I had expected."

In early 1980, as many American companies were realizing they needed to concentrate on developing Asian markets, he joined a management consulting firm in Boston. "Within a year I found myself spending time in Japan on assignments for American multinationals trying to break into the Japanese market." During his six years of consulting, he did international strategy work. "The longer I consulted," Kelley said, "the more interested I became in trying to do what I was recommending." In 1985, he was offered an opportunity in Japan with Teradyne, a Boston-based electronics manufacturer.



Peter L. Kelley '79

Teradyne had a solid position in Japan in its semiconductor tester business. Kelley's job was to start up its connector business there from scratch. After a year at the Nashua, New Hampshire connector factory, Kelley moved to Japan. "I hired a Japanese engineer and we hit the road flogging New Hampshire's finest connectors to Japanese computer and telecommunications companies." After eight months, they set up assembly in Japan.

During Kelley's five years in Japan, "we grew into the millions in sales and double digits in people—it was, as the English say, hard pounding, but it was fun," he said. Kelley commented that he has never experienced such competition as occurred on all levels in Japan. "I had a good product, which helped immensely. I also had, as a result of operating outside the U.S., a lot of responsibility and room to maneuver."

In 1992, Kelley and his wife Karen and their daughter Kathryn moved to the United Kingdom, to manage the business in Europe as well as in Asia.

For Kelley, the main attraction of business versus law is being involved in making a product. "It also makes the international experience a more interesting one, since a manufacturer

and seller is out in the middle of life, not sitting in an office," he commented.

Law, he said, was an initial qualification for the job. Now it provides some good stories from his brief criminal practice in Portland which "are occasionally useful to mention as I glower at some customer's or supplier's unintelligible contract."

"What I really got out of law school," Kelley said, "is an abiding appreciation of the development of constitutional law and its central importance for democracy and free enterprise. I suppose this amounts to an admission that I was paying attention during some of Kinvin Wroth's classes, but as we do business around the world in countries which deny one or both of the above or the connection between the two, I find I'd be less of a representative of the States if I were not a lawyer."

Jody M. Prescott '86 spent time in Europe in a different way, but one in which a number of our graduates practice abroad. He has just returned from Stuttgart, Germany after spending three years with the U.S. Army JAG Corps in Germany.

Prescott's family has a long tradition of military service, and he was in ROTC at the University of Vermont before coming to law school. "I had known I wanted to be a lawyer since I was young, and the JAG Corps combined service and a profession," he commented.

Joining the JAG Corps after law school, Prescott was assigned to the Government Appellate Division in Falls Church, Virginia, an uncommon assignment for new lieutenants, he



Cpt. Jody M. Prescott '86

said. "I suspect I was assigned there because Marty Willard and I had done so well in our moot court competition." After two and half years of appellate work, he clerked at the Army Court of Military Review and finished his LL.M. in International and Comparative Law at Georgetown at the same time.

Prescott requested an assignment with the U.S. Army Trial Defense Service in Germany for several reasons. He had been to Germany before, and had always wanted to live there for a while. More importantly, the Trial Defense Service offered fairly young counsel extensive litigation experience and a great deal of responsibility. He was assigned to the Kaiserslautern Office, under the supervision of a Senior Defense Counsel about an hour away. "I had a great boss, and I really enjoyed the autonomy he gave me once I had proved myself," he commented.

The rights afforded an accused in the military trial process mirror those found in the federal trial system. The Trial Defense Service is analogous to a public defender's office. Prescott defended soldiers at preliminary hearings and at all levels of courts-martial in Belgium, Italy, the Netherlands,

Great Britain and throughout southern Germany. His work also involved counseling soldiers facing administrative separations from the Army or non-judicial punishment for minor infractions under Article 15 of the UCMJ. "The trial work in Europe is particularly challenging," Prescott said, "because defense counsel are often traveling to distant posts to try cases before unfamiliar judges and juries."

Prescott and his family first lived in Mehlbach, a small German farming village near Kaiserslautern. They got to know their neighbors well. After 18 months, he was sent to Stuttgart to be the senior defense counsel. Stuttgart, a high-tech manufacturing center, home to Porsche and Daimler-Benz, was a great contrast to Mehlbach. The workload was particularly heavy as VIIth Corps deactivated, Prescott said. "Nevertheless, we had a great time in Stuttgart."

Prescott wholeheartedly recommends overseas service in the JAG Corps. Each service, he noted, has opportunities overseas, with some slots requiring local language fluency. He values the litigation experience he got during his three years in Germany and he enjoyed the travel. He and his family managed to fit a lot of travel around his work schedule, he said, and they saw many sights most Americans don't have a chance to visit. "The thing I enjoyed most, however, was helping the soldiers. I had great respect for many of my clients as people and as soldiers; in fact, I am the namesake of one of my clients." ■

SCHOOL OF LAW University of Maine

246 Deering Avenue
Portland, Maine 04102

ADDRESS CORRECTION REQUESTED

The Alumni Quarterly is published at the end of March, June, September and December by the University of Maine Law Alumni Office. It is sent to alumni, students, and friends of the Law School. The deadline for each issue is one month prior to publication. Please send items of interest to the Law School community to Joan Amerling or Kristi Clifford, writers and editors, at the above address.

Non-Profit Org.
U.S. Postage
PAID
Portland, Me.
Permit No. 127

